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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,686	10/06/2005	Omar D. Tame	19365-100860	8454
7590	03/19/2007		EXAMINER	
Robin W Asher Clark Hill 500 Woodward Avenue Suite 3500 Detroit, MI 48226-3435			BLANKENSHIP, GREGORY A	
			ART UNIT	PAPER NUMBER
			3612	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	03/19/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/528,686	TAME, OMAR D.
	<b>Examiner</b>	<b>Art Unit</b>
	Greg Blankenship	3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on remarks filed 12/11/2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5,9 and 12 is/are rejected.
- 7) Claim(s) 6-8,10 and 11 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 3/21/2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### *Double Patenting*

1. Applicant is advised that should claim 2 be found allowable, claim 12 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 9, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Ladetto et al. (5,636,884).

In reference to claims 1 and 12, Ladetto et al. disclose a seat assembly (26) having a seat cushion (54). Front legs (46) are pivotally coupled to the seat cushion (54), as shown in Figures 2 and 3. A support bracket (34,36) is pivotally attached to the front legs (46), as shown in Figures 2 and 3. A track assembly (30,32) is attached to the support bracket (34,36). The track assembly (30,32) is secured in a lateral orientation to the floor (14) of the vehicle with respect to the seat assembly (26) whereby the seat assembly may be moved to a plurality of positions within the vehicle. In reference to claims 2 and 12, the track assembly (30,32) comprises an upper track (30) attached to the support bracket (34,36) and a lower track (32) attached to the floor of the vehicle. The upper track (30) is received within the

lower track (32) for sliding movement therein. In reference to claim 9, rear legs (44) are pivotally coupled to the seat cushion (54).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lадетто et al. (5,636,884) in view of Немото (5,711,505).

Lадетто et al. do not disclose a locking mechanism.

Немото teaches the addition of a locking mechanism (M) to a track assembly. The locking mechanism (M) is associated with the upper and lower tracks (5,6) for selectively locking the upper track (5) relative to the lower track (6), as disclosed in the Abstract and on lines 57-65 of column 5. In reference to claim 4, the locking mechanism (M) has a manual release member, handle (40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a locking mechanism with a manual release member associated with the upper and lower tracks of Lадетто et al. to selectively lock the upper track relative to the lower track of Lадетто et al., as taught by Немото, to provide a stable seating surface that will not slide at undesired times, like when the vehicle is in motion.

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6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ladetto et al. (5,636,884) and Nemoto (5,711,505), as applied to claims 3 and 4, in view of Harding (4,707,030).

Ladetto et al., as modified, does not disclose the specific type of manual release member. Harding teachings a manual release member that consists of a Bowden cable (193) attached to a handle (150).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the manual release mechanism of Ladetto et al., as modified, with a Bowden cable connected to a handle, as taught by Harding, to provide a manual release mechanism that can be placed in an ergonomic position and properly function.

***Allowable Subject Matter***

7. Claims 6-8, 10, and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments, see remarks, filed 12/11/2006, with respect to the rejection(s) of claim(s) 1, 9, and 10 under 35 USC 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ladetto et al. (5,636,884).

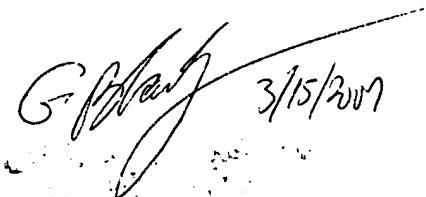
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is 571-272-6656.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gab  
March 15, 2007



3/15/2007

A handwritten signature in black ink, appearing to read "G Dayoan". To the right of the signature, the date "3/15/2007" is written in a smaller, printed-style font.